

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

BRONSON SHELLEY ¹⁵⁸⁹⁰³⁵ SCDC # ~~353224~~,
PLAINTIFF,
V.

COMPLAINT
CIVIL ACTION
NO. _____

BRYAN P. STIRLING, MICHAEL McCALL
WILLIE L. EAGLETON, PATRICK R.
JONES, MAJOR C. WEST, LT. MARLON
BROWN, OFFICER DAVIS, OFFICER
QUICK, INDIVIDUALLY AND IN
THEIR OFFICIAL CAPACITIES,
DEFENDANTS

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I. JURISDICTION & VENUE

1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343 (a) (3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. PLAINTIFF'S CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2283 AND 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

2. THE U.S. DISTRICT COURT, DISTRICT OF SOUTH CAROLINA IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391 (b) (2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURED.

II. PLAINTIFF'S

3. PLAINTIFF, BRONSON SHELLEY ¹⁵⁸⁹⁰³⁵ SCDC # ~~353224~~, IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF SOUTH CAROLINA IN THE CUSTODY OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS CURRENTLY CONFINED IN ~~PERRY CORRECTIONAL INSTITUTION IN PELZER, SOUTH CAROLINA~~. SHERIFF AL CANNON DETENTION CENTER IN NORTH CHARLESTON, SOUTH CAROLINA.

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III. DEFENDANTS

4. DEFENDANT, BRYAN P. STIRLING IS THE AGENCY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE OPERATIONS OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION, INCLUDING EVANS CORRECTIONAL INSTITUTION.
5. DEFENDANT, MICHAEL MCALL IS THE DEPUTY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE OPERATIONS OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION, INCLUDING EVANS CORRECTIONAL INSTITUTION.
6. DEFENDANT, WILLIE L. EAGLETON IS THE WARDEN OF EVANS CORRECTIONAL INSTITUTION. HE IS LEGALLY RESPONSIBLE FOR THE OPERATION OF EVANS CORRECTIONAL INSTITUTION AND FOR THE WELFARE OF ALL THE INMATES IN THAT PRISON.
7. DEFENDANT, ~~WILLIAM~~ C. WEST IS ~~THE~~ ~~WARDEN~~ A CORRECTIONAL OFFICER OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF MAJOR AND WAS ASSIGNED TO EVANS CORRECTIONAL INSTITUTION.
8. DEFENDANT, PATRICK R. JONES EMPLOYEE ID#618449 IS A CORRECTIONAL OFFICER OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF LIEUTENANT AND WAS ASSIGNED TO EVANS CORRECTIONAL INSTITUTION.
9. DEFENDANT, MR. M. BROWN IS A CORRECTIONAL OFFICER OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF LIEUTENANT AND WAS ASSIGNED TO EVANS CORRECTIONAL INSTITUTION. (MARLON # 029058)
10. DEFENDANT, MR. DAVIS IS A CORRECTIONAL OFFICER OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF OFFICER AND WAS ASSIGNED

TO EVANS CORRECTIONAL INSTITUTION.

II. DEFENDANT, MR. QUICK IS A CORRECTIONAL OFFICER OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF OFFICER AND WAS ASSIGNED TO EVANS CORRECTIONAL INSTITUTION.

III. FACTS

I. ON MARCH 1, 2017 PLAINTIFF WAS BEING ESCORTED TO CELL # 156 AND WAS PLACED ON CONTROL CELL. UPON ENTERING THE CELL A SEARCH WAS CONDUCTED OF THE PLAINTIFF'S CELL AND PERSON WHILE PLAINTIFF WAS CONFINED IN PHYSICAL RESTRAINTS OR HANDCUFFS. THE SEARCH WAS CONDUCTED BY MAJOR C. WEST, SGT. PARKER, OFFICER DAVIS, AND OFFICER QUICK. UPON CONDUCTING THE SEARCH CONTRABAND WAS FOUND IN PLAINTIFF'S SHOWER SHOE. AFTER CONTRABAND WAS FOUND MAJOR C. WEST PUNCHED PLAINTIFF IN THE FACE, WHILE OFC. QUICK BEGAN TWISTING PLAINTIFF'S RIGHT ANKLE. PLAINTIFF WAS PUSHED DOWN ON CONCRETE SLAB BY OFFICERS, AND MAJOR C. WEST BEGAN LAYING ON THE PLAINTIFF AND CHOKING HIM BY PUSHING HIS FIST IN HIS NECK AND FACE. PLAINTIFF BEGAN ASKING WHY OFFICER QUICK WAS TRYING TO BREAK HIS ANKLES. AND STATING "I AM NOT RESISTING!" MAJOR C. WEST THEN STATED VERY AGGRESSIVELY "I WILL BREAK ALL YOUR SHIT!" MEANING PLAINTIFF'S BONES. PLAINTIFF THEN HEARD SARGENT PARKER STATE, "HE IS NOT RESISTING". MAJOR THEN TOLD OFFICER DAVIS TO STRIP PLAINTIFF NAKED. AT THE TIME PLAINTIFF ONLY HAD ON A PAIR OF BOXERS. OFFICER DAVIS THEN RIPPED PLAINTIFF'S BOXERS OFF ~~roughly~~ FORCEFULLY. MAJOR C. WEST THEN STATED "TURN HIM OVER", PLAINTIFF WAS THEN FLIPPED ROUGHLY ONTO HIS STOMACH. OFFICERS THEN BEGAN LAUGHING WHILE OBSERVING PLAINTIFF'S BUTTOCKS. THE OFFICERS MAJOR WEST AND OFFICER DAVIS TOLD PLAINTIFF DON'T MOVE, WHILE STANDING OVER PLAINTIFF PLAINTIFF TURNED HIS HEAD TO LOOK AT THE OFFICERS AND

WITNESSED OFFICER QUICK GROPING HIS CROTCH AREA. HE THEN STATED I SAID "DON'T MOVE", DO YOU WANT MORE PROBLEMS? PLAINTIFF RESPONDED "WHAT?" AND PROCEEDED TO STAND UP. OFFICER QUICK RETREATED OUT THE CELL AND JOINED THE OTHER OFFICERS WHO HAD RETREATED OUT THE CELL A MOMENT EARLIER. THE OFFICERS THEN SECURED THE DOOR. PLAINTIFF THEN TOLD THE OFFICERS TO TAKE THE CUFFS OFF AND GIVE HIM A FAIR FIGHT. PLAINTIFF FELT EMBARRASSED, DEGRADED, DISRESPECTED, ANGRY AND THEN LATER DEPRESSED. MAJOR THEN REPLIED "NO" THREATENED TO GAS PLAINTIFF AND LEFT. PLAINTIFF WAS LEFT NAKED WITH NO BOXERS OR SECURITY BLANKET IN THE WINTER TIME WITH THE AIR CONDITIONER BLOWING, FOR SEVEN DAYS IN INHUMANE CONDITIONS.

2. THIS INCIDENT OCCURRED IN EVANS CORRECTIONAL INSTITUTION ON MARCH 1, 2017 AS PLAINTIFF WAS BEING TRANSPORTED FROM RESTRICTED HOUSING UNIT A-SIDE CELL #136 TO CELL #150, WHICH IS A CRISIS INTERVENTION CELL. THIS EXCESSIVE FORCE WAS APPLIED MALICIOUSLY AND SADISTICALLY WITH THE INTENT TO CAUSE HARM. DEGRADE & DISRESPECT THE PLAINTIFF.

3. ON MARCH 1, 2017 PLAINTIFF WAS DENIED THE BASIC NECESSITIES FOR HUMAN LIFE, AND LEFT FREEZING IN THE WINTER TIME WITH NO MATTRESS, NO CROCKS, NO CLOTHES AND NO SECURITY BLANKET FOR A PERIOD OF SEVEN DAYS.

4. ON MARCH 1, 2017 PLAINTIFF REQUESTED A SECURITY BLANKET AND PAIR OF BOXER PURSUANT TO SCDC POLICY "RHU" POLICY. PLAINTIFF WAS DENIED THESE ITEMS BY LT. JONES AND WAS TOLD TO GET OFF THE FOOD "FLAP". PLAINTIFF REFUSED UNTILL HE RECEIVED CONTROL CELL ALLOWED ITEMS. LT. PATRICK JONES THEN ALONG WITH LT. MARLON BROWN GASSED PLAINTIFF WITH CHEMICAL MUNITIONS IN THE ABSCENSE OF AN IMMEDIATE THREAT OR WITHOUT NOTIFYING

A MENTAL HEALTH CLINICAL COUNSELOR AND PROCEEDED TO BREAK BOTH OF PLAINTIFF'S ARMS AT THE ELBOWS BY GRABBING PLAINTIFF'S WRISTS TWISTED PALM FACE UPWARDS AND BENDING PLAINTIFF'S ARM DOWN PAST THE LOCKING POINT OF PLAINTIFF'S ELBOWS AND REPEATEDLY USING AN EXCESSIVE AMOUNT OF FORCE PUSHED PLAINTIFF'S ARMS DOWN OVER AND OVER AGAIN. P.R. JONES HAD PLAINTIFF'S RIGHT ARM WHILE LT. MARLON BROWN HAD PLAINTIFF'S LEFT ARM. AS PLAINTIFF WAS SCREAMING IN EXCRUCIATING PAIN LT. P.R. JONES BEGAN SCREAMING "STOP HITTING ME" AND YANKING PLAINTIFF'S ARMS UP AND DOWN REPEATEDLY, CRIPPLING BOTH ARMS.

5. ON MARCH 9, 2017 PLAINTIFF FILED AN EMERGENCY GRIEVANCE ON BOTH INCIDENTS AND WROTE (3) THREE REQUEST FORMS REQUESTING AN EMERGENCY TRANSFER. STATING HE FELT HIS LIFE AND SAFETY WAS IN JEOPARDY BY CORRECTIONS OFFICERS AT EVANS CORR. INST. WHO HAD ASSAULTED HIM NUMEROUS TIMES. (SEE: ATTACHMENTS (A), (B), (C).)

6. ON AN UNSPECIFIED DATE PLAINTIFF WAS TAKEN TO MEDICAL AND PLAINTIFF'S ELBOWS WERE LOOKED AT BUT THE DOCTOR REFUSED TO GET AN X-RAY FOR RIGHT ARM. PLAINTIFF'S LEFT ARM WAS IMMOBILIZED IN AN ARM SLING AND GIVEN IBUPROFEN. THE X-RAY WAS DONE AT KIRKLAND INFIRMERY.

7. ON MARCH 15, 2017 PLAINTIFF GRIEVANCE WAS RETURNED FOR FAILING TO ATTACH REQUEST TO STAFF FORM TO GRIEVANCE AND SEEK AN INFORMAL RESOLUTION. TO REQUESTS AND GRIEVANCE REFILED WAS NOT RETURNED. (SEE: ATTACHMENT (A), (B), (C).)

B. ON OR ABOUT APRIL 13, 2017 MAJOR C. WEST CAME OUT TO THE RECREATION AREA AND THREATENED TO SHOOT AND KILL EVERYONE OUTSIDE IN THE REC. CAGES. PLAINTIFF YELLED "I DIDNT DO ANYTHING IM LOCKED IN MY CAGE. MAJOR WEST RESPONDED HE DIDNT CARE YA'LL HURT MY OFFICERS AND IM GONNA KILL ALL OF YOU! HE BEGAN YELLING TO HIS OFFICERS TO GO GET HIS GUN. PLAINTIFF WALKED TO BACK OF REC CAGE WHERE THE FENCE WAS LOOSE AND TOOK HIS ARM SLING OFF AND CRAWLED OUT OF THE REC CAGE. MAJOR WEST BEGAN YELLING GET BACK HERE. PLAINTIFF THEN RAN AROUND THE INSIDE OF THE PERIMETER AND PROCEEDED TO CLIMB FENCE INTO THE GENERAL POPULATION YARD. MAJOR WEST BEGAN SHOOTING AT THE PLAINTIFF WHO THEN JUMPED OFF THE FENCE AND BROKE BOTH LEGS. MAJOR WEST REFUSED THE PLAINTIFF TREATMENT AND FORCED HIM TO CRAWL ON BROKEN LEGS AT GUN POINT ACROSS ~~THE~~ THE GENERAL POPULATION YARD. MAJOR WEST TOLD PLAINTIFF HE WANTED TO SHOOT PLAINTIFF SO BAD BUT TOO MANY PEOPLE WERE WATCHING AND WAIT TILL I GET UPFRONT. AFTER CRAWLING ON HANDS ELBOWS AND KNEES MAJOR WEST GRABBED PLAINTIFF BY THE ARM WHILE PLAINTIFF WAS HANDCUFFED IN THE FRONT AND TOLD HIM TO WALK OR GET SHOT. MAJOR WEST AND ANOTHER C.O. MADE PLAINTIFF WALK ON BROKEN LEGS OR GET SHOT.

(6)

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AFTER ABOUT 2 MINUTES OF THEM HOLDING PLAINTIFF UP BY ARMS AND FORCING PLAINTIFF TO STEP ON HIS BROKEN LEGS AND ANKLES THEY DROPPED PLAINTIFF ON THE GROUND AND THREATENED TO SHOOT PLAINTIFF THEN MADE HIM CRAWL THE REST OF THE WAY INSTEAD OF CALLING FOR A STRETCHER. PLAINTIFF WAS NEVER TAKEN TO THE HOSPITAL.

9. ON ~~APRIL~~ APRIL 13, 2017 PLAINTIFF WAS TAKEN TO MEDICAL WHO ASSESSED PLAINTIFF'S LEGS AND ANKLES AS BROKEN. PLAINTIFF WAS THEN TAKEN TO KIRKLAND INFIRMARY AND HOUSED THERE UNTILL TWO CASTS WERE PLACED ON HIS LEGS AND FEET FROM THE KNEES TO THE TOES. PLAINTIFF WAS ALSO DENIED A ~~SHOWER~~ SHOWER FOR OVER 15 DAYS, OR A HOT WATER BUCKET.

10. PLAINTIFF WAS SENT TO BROAD RIVER CORR. INST. WHERE HE WAS FURTHER DENIED ADEQUATE MEDICAL TREATMENT, PHYSICAL THERAPY, MOBILE MEDICATION, AND PROSCRIBED THERABAND, PLAINTIFF'S APPOINTMENTS WERE ALSO CANCELLED, AND SICK CALL REQUESTS IGNORED AND THROWN AWAY (SEE: ATTACHMENTS (E), (F), (G), (H)).

11. PLAINTIFF STILL SUFFERS FROM HIS INJURIES, MENTAL ANGUISH, ANXIETY, DEPRESSION, NIGHTMARES AND POST-TRAUMATIC STRESS DISORDER. PLAINTIFF HAS NOT DEVELOPED MUSCLE STRENGTH AND STILL HAS SHARP PAINS IN LEGS AND HAS SENSITIVITY IN ELBOWS. (SEE: ATTACHMENT (D)).

12. THE PLAINTIFF HAS NO PLAIN, ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE DECLARATORY AND INJUNCTIVE RELIEF WHICH PLAINTIFF SEEKS.

VI. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTIVELY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING PLAINTIFF:

13. A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES.

14. A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS, BRYAN P. STIRLING, MICHAEL McCALL, WILLIE L. EAGLETON, PATRICK R. JONES, MAJOR C. WEST, LT. MARLON BROWN, OFFICER DAVIS, OFFICER QUICK, ~~AND THE OTHER DEFENDANTS~~ TO STOP THE USE OF FORCE ON MENTAL HEALTH PATIENTS IN THE ABSCENSE OF A REASONABLY PERCEIVED IMMEDIATE THREAT, TO STOP THE USE OF EXCESSIVE FORCE APPLIED SADISTICALLY AND MALICIOUSLY FOR THE PURPOSE OF CAUSING HARM AND INSTILLING FEAR IN THE INMATES, TO STOP

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SALUDA

SHOWING DELIBERATE INDIFFERENCE TO PRISONERS
SERIOUS MEDICAL NEEDS AND BASIC HUMAN NECESSITIES,
TO NOTIFY MENTAL HEALTH CLINICAL COUNSELORS
PRIOR TO AUTHORIZING THE USE OF FORCE ON MENTAL
HEALTH PATIENTS AS OUTLINED ACCORDING TO POLICY,
PLANS, AND PROCEDURES OP 22.01 & HS 19.08.

15. COMPENSATORY DAMAGES IN THE AMOUNT OF
\$ 1,000,000 AGAINST EACH DEFENDANT.

16. PLAINTIFF SEEKS PUNITIVE DAMAGES IN THE
AMOUNT OF \$ 3,000,000. PLAINTIFF BRONSON
SHELLEY SEEKS DAMAGES AGAINST EACH DEFENDANT
JOINTLY AND SEVERALLY.

17. A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.

18. PLAINTIFF'S COSTS IN THIS SUIT.

19. ANY ADDITIONAL RELIEF THIS COURT DEEMS
JUST, PROPER AND EQUITABLE.

DATED: ~~AUGUST 23, 2018~~ ^{BS} 9/24/2018

RESPECTFULLY SUBMITTED,

BRONSON SHELLEY ~~SCDC #353229~~ ^{BS} #1589035

~~PERRY CORR. INST. / SMU-CX-20~~ ^{BS}

~~430 OAKLAWN RD.~~ ^{BS}

~~PELZER, S.C. 29166~~ ^{BS}

SHERIFF AL CANNON DETENTION CENTER
3841 LEEDS AVENUE
NORTH CHARLESTON, S.C. 29405

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY
VERIFY THAT THE MATTERS ALLEGED ON INFORMATION
AND BELIEF, AND, AS TO THOSE I BELIEVE THEM
TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY
THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT PELZER, SOUTH CAROLINA ON
~~AUGUST 23, 2018~~ ^{BS} 9/24/2018.

Bronson Shelley
BRONSON SHELLEY